

## REMARKS

Please cancel claims 17, 28, 57 and 70 without prejudice. New Claims 71-72 are added. Claims 1-7, 10-16, 19-25, 27, 29-47, 49, 53, 55-56, 58-61 and 71-72 are pending. Claims 1-7, 10-16, 19-25, 27, 29-47, 49, 53, 55-56, 58 and 60 are amended. No new matter is added as a result of the claim amendments. Support for the claim amendments can be found at least on page 10 (line 21) through page 11 (line 2), page 12 (lines 14-15 and 20-22), and page 16 (lines 11-12) of the application.

### 35 U.S.C. § 103 Rejections

Claims 1-7, 10-16, 19-20, 22-25, 27, 31-32, 34-38, 40-45, 47, 49, 53, 55-56 and 58-61

According to the Office Action, claims 1-7, 10-16, 19-20, 22-25, 27, 31-32, 34-38, 40-45, 47, 49, 53, 55-56 and 58-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al. ("Watanabe;" US Patent No. 6,763,458). Applicants have reviewed the Watanabe reference and respectfully submit that the embodiments of the present invention set forth in claims 1-7, 10-16, 19-20, 22-25, 27, 31-32, 34-38, 40-45, 47, 49, 53, 55-56 and 58-61 are neither anticipated nor rendered obvious by Watanabe.

Each of the independent claims 1-7, 10-16, 19-20, 37-38, 53, 55-56, 58 and 60 recites, in essence, a circuit (or circuitry) in a computer system, where the circuit is situated on both of the paths that can be traveled by decompressed audio data (such that the decompressed audio data passes through the circuit), and where the circuit is also coupled to user-actuated function keys that can be used to control play of the audio data. Each of the independent claims also

recites, in essence, that if the computer system is operating under a first (full) operating system, then the decompressed audio data takes a first path through the circuit, but if the computer system is operating under a second (mini) operating system, then the decompressed audio data takes a second (different) path through the same circuit. Each of the independent claims also recites, in essence, that the decompressed audio data is subject to the user-actuated function keys only along the second path through the circuit.

Applicants respectfully submit that Watanabe does not show or suggest the claimed circuit. Specifically, Applicants respectfully submit that Watanabe does not show or suggest a circuit coupled to, for example, a drive and a digital-to-analog converter and also coupled to user-actuated function keys, where the path that the audio data takes through such a circuit depends on which operating system is executing, and where on one path through the circuit but not the other path the audio data is subject to the function keys, as recited in independent claim 1 and as similarly recited in each and every one of the other independent claims. While Watanabe appears to show an MP3 player coupled between a memory and an audio output subsystem, Watanabe does not show or suggest different paths through the MP3 player, or using one path versus another depending on which operating system is executing, or subjecting the audio data to function keys along one path but not another, and thus Watanabe does not show or suggest the limitations of each of the independent claims 1-7, 10-16, 19-20, 37-38, 53, 55-56, 58 and 60.

Consequently, Applicants respectfully submit that the embodiments of the claimed invention set forth in claims 1-7, 10-16, 19-20, 37-38, 53, 55-56, 58 and

60 are not taught or anticipated by Watanabe and that these claims are in condition for allowance.

Each of the claims 22-25, 27, 31-32, 34-36, 40-45, 47, 49 and 59 includes the limitations of their respective base claim and additional limitations.

Applicants respectfully submit that Watanabe does not show or suggest the limitations of claims 22-25, 27, 31-32, 34-36, 40-45, 47, 49 and 59 in combination with the limitations of their respective base claims. Furthermore, Applicants respectfully submit that claims 22-25, 27, 31-32, 34-36, 40-45, 47, 49 and 59 are in condition for allowance as depending from allowable claims.

In summary, Applicants respectfully submit that the basis for rejecting claims 1-7, 10-16, 19-20, 22-25, 27, 31-32, 34-38, 40-45, 47, 49, 53, 55-56 and 58-61 under 35 U.S.C. §103(a) is traversed.

#### Claims 21 and 39

According to the Office Action, claims 21 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Birrell et al. ("Birrell;" U.S. Patent No. 6,332,175). Applicants have reviewed Watanabe and Birrell and respectfully submit that the embodiments of the present invention set forth in claims 21 and 39 are neither anticipated nor rendered obvious by Watanabe and Birrell, alone or in combination.

Claim 21 depends from independent claim 20, and claim 39 depends from independent claim 38. Hence, by demonstrating that the cited references do not show or suggest the limitations of the independent claims, it is also

demonstrated that those references do not show or suggest the limitations of the dependent claims.

As presented above, a shortcoming of the combination of the cited references is that the primary reference Watanabe does not teach or suggest each of the limitations of independent claims 20 and 38. Furthermore, Applicants respectfully submit that the secondary reference Birrell fails to teach or suggest a modification to Watanabe that would remedy the deficiencies of Watanabe.

In particular, Applicants respectfully submit that Birrell, alone or in combination with Watanabe, does not show or suggest the claimed circuit, specifically a circuit coupled to a drive and a codec (or to a drive and an output amplifier), where the circuit is also coupled to user-actuated function keys, where the path that the audio data takes through such a circuit depends on whether or not a second or mini-operating system is executing instead of a first operating system, and where the audio data is subject to the function keys on one path through the circuit but not the other path as recited in independent claims 20 and 38.

Accordingly, Applicants respectfully submit that claims 20 and 38 are allowable over the cited references. As such, Applicant also respectfully submits that Watanabe and Birrell, alone or in combination, do not show or suggest the additional claimed features of the present invention as recited in claims 21 and 39, and that these claims are also in condition for allowance as being dependent

on an allowable base claim. Therefore, the Applicant respectfully asserts that the basis for rejecting claims 21 and 39 under 35 U.S.C. § 103(a) is traversed.

Claims 29-30, 33 and 46

According to the Office Action, claims 29-30, 33 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Alexander et al. ("Alexander;" U.S. Patent No. 6,380,968). Applicants have reviewed the Watanabe and Alexander references and respectfully submit that the embodiments of the present invention set forth in claims 29-30, 33 and 46 are neither anticipated nor rendered obvious by Watanabe and Alexander, alone or in combination.

Claims 29-30 and 33 depend from independent claim 20, and claim 46 depends from independent claim 38. Hence, by demonstrating that the cited references do not show or suggest the limitations of the independent claims, it is also demonstrated that those references do not show or suggest the limitations of the dependent claims.

As presented above, a shortcoming of the combination of the cited references is that the primary reference Watanabe does not teach or suggest each of the limitations of independent claims 20 and 38. Furthermore, Applicants respectfully submit that the secondary reference Alexander fails to teach or suggest a modification to Watanabe that would remedy the deficiencies of Watanabe.

In particular, Applicants respectfully submit that Alexander, alone or in combination with Watanabe, does not show or suggest the claimed circuit, specifically a circuit coupled to a drive and a codec (or to a drive and an output amplifier), where the circuit is also coupled to user-actuated function keys, where the path that the audio data takes through such a circuit depends on whether or not a second or mini-operating system is executing instead of a first operating system, and where the audio data is subject to the function keys on one path through the circuit but not the other path as recited in independent claims 20 and 38.

Accordingly, Applicants respectfully submit that claims 20 and 38 are allowable over the cited references. As such, Applicant also respectfully submits that Watanabe and Alexander, alone or in combination, do not show or suggest the additional claimed features of the present invention as recited in claims 29-30, 33 and 46, and that these claims are also in condition for allowance as being dependent on an allowable base claim. Therefore, the Applicant respectfully asserts that the basis for rejecting claims 29-30, 33 and 46 under 35 U.S.C. § 103(a) is traversed.

#### Double Patenting

According to the Office Action, claims 1-7, 10-16, 19-20, 37-38, 53, 55-56, 58 and 60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent Application No. 09/969,060 and over claims 8, 14 and 18 of U.S. Patent Application No. 10/272,740.

A terminal disclaimer in compliance with 37 CFR § 1.321 is being submitted concurrent with the instant response, thereby obviating the double patenting rejection. A single terminal disclaimer disclaiming each one of the double patenting references is being filed per the guidance in MPEP § 804.02(IV).

Conclusions

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

Please charge any associated fees or apply any credits to our PTO deposit account number: 50-4160.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

MURABITO HAO & BARNES LLP

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William A. Zarbis  
Registration No.: 46,120

Two North Market Street  
Third Floor  
San Jose, CA 95113  
(408) 938-9060